

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	09 / 287,478	Confirmation No. 6350
Applicant	:	Christian S. Rode	
Filed	:	April 6, 1999	
Provisional Appl. Filed	:	60/080,905, 4/06/98	
TC./A.U.	:	2128	
Examiner	:	Thai Phan	
Docket No.	:	RCI001v1	

M/S Appeal Brief - Patents
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

APPEAL BRIEF AMENDMENT (rev D)

Dear Sir or Madam:

With respect to the Appeal Brief as amended/filed 2/19/2008, please entertain the following additional amendments.

Under section “F. Grounds of Rejection to be Reviewed on Appeal”, pg. 13, please append:

“8. Whether the appeal brief as filed on 3/15/2008 was, in fact, “substantially compliant” for a self-represented person (PRO-SE).”

Under “G. Arguments”, pg. 33, please append:

“Ground 8.

As previously indicated by Grounds 1 through 3, Appellant believes Examiner’s objections in the Notice of 7/16/2007 are merely formal and not substantive, and as such excusable for self-represented persons. Within the MPEP, it is believed that the sections of the brief corresponding to boxes 4 and 5 of PTOL-462 are explicitly excused for self-represented persons. The checking of box 1 (37 CFR 14.37(c)) on this form is believed related to single-spaced formatting of the brief and that of box 6 (37 CFR 14.37(c)(1)(vii)) simply a matter of how the arguments are titled and correspond with the (non-required) Grounds of Rejection to be Review on Appeal and so, too, would appear to be non-substantive and therefore excusable for self-represented persons.

With respect to boxes 8 and 10, these concern prospective Evidence introduced in Appendices. Evidence submitted relevant to Examiner’s citation of Lawman (Appendix E2) had been previously presented as an IDS but not entered by the Examiner, and said failure to enter is the subject of one of the grounds of this appeal, as it was clearly evidence in response to Examiner’s citation of prior art. Appendix E1 was not previously presented, and has been struck from the most recently amended brief, but was in any event never referred to directly or indirectly in the brief and therefore non-operative and so non-substantial.”

Comments

It is Appellant's understanding that is always desirable to remove any issue of abandonment, especially in light of pending litigation (i.e., ATA vs. IGT), and so Appellant requests that within the current Petition process that the Notice of Abandonment of 2/8/2008 be withdrawn in light of 1) substantial compliance of the Appeal brief as filed 3/15/2007 and 2) an inability to get detailed explanations of the issues noted only by checkboxes on PTOL-462 from the Examiner.

Regardless of acceptance or rejection of this ground (8) it is hoped that the most recent brief as amended 2/19/2008 and herein continue as the clearest and most compliant explanation of the issues.

Sincerely,

Christian S. Rode

Applicant, PRO-SE 09/287,478

Supplemental Declaration regarding Appeal Brief

Amendment, as filed 4/8/2008

As an applicant in the above-identified application, I declare as follows:

1. If only one inventor is named below, I am a sole inventor, and if more than one inventor is named below, I am a joint inventor with the inventor(s) named below of the subject matter of the above identified application.
2. I have reviewed and understand the contents of the specification and claims, as originally filed, and as amended by the amendment(s) dated .
3. I believe that I, and the other inventor(s) named below if more than one inventor is named below, am the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.
4. I acknowledge the duty to disclose information which is material to the examination of the application in accordance with 37 C.F.R. Section 1.56(a), and if this oath accompanies or refers to a continuation-in-part application, I acknowledge the duty to disclose material information as defined in 37 C.F.R. Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.
5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Signature of Inventor



Printed Name of Inventor

CHRISTIAN G. ROSE

Date

4/8/2008